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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/565,524

01/23/2006

Thinh T. Nguyen

MOLO676

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06/23/2008

J Deshmukh
458 Cherry Hill Rd
Princeton, NJ 08540

EXAMINER

BELL, BRUCE F

ART UNIT

PAPER NUMBER

1795

MAIL DATE

DELIVERY MODE

06/23/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/565,524	Applicant(s) NGUYEN ET AL.	
	Examiner Bruce F. Bell	Art Unit 1795	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,5,7,12,17 and 24-27 is/are rejected.
- 7) ☒ Claim(s) 2-4,6,8-11,13-16 and 18-23 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Objections

1. Claims 2, 3, 6, 8, 9, 12-14, 16 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

Claims 2, 3, 6, 8, 9, 12-14 and 16 do not further limit the base claims since these claims are relying on the use of the cell and the electrolyte. An electrolyte is given little or no patentable weight in cells that are not sealed as the overall structure of the cell can receive any electrolyte material.

Correction and/or clarification are requested.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 12, 26 and 27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 12 is vague and indefinite with respect to their being no metal based surface set forth in either of claims 1 and 10 on which this claim depends. It is unclear as to whether this is a part of the conductive surface of the collector or whether it is a part of another element of claims 1 and 10.

Claims 26 and 27 are vague and indefinite with respect to the arrangement of the cell as provided, since it appears that the cell has an anode, cathode, and collector but does not set forth how the cell is arranged structurally. Therefore, the claims are unclear with respect to the structural elements and how they are arranged.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 2, 5, 7, 17, 24-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Das et al (4115215).

Das et al disclose a process for purifying aluminum alloys wherein molten aluminum in a container having a porous wall that contains molten aluminum in the container and is permeable by the molten electrolyte. Aluminum is electrolytically transported through the porous wall to a cathode that separates the aluminum from the alloying constituents. See abstract. The cell has an inner and outer container, wherein the cathode is found in the electrolyte and underneath the cathode is a receptacle that receives purified aluminum that is precipitated or deposited at the cathode. The receptacle has an outlet through which the purified aluminum can be removed continuously at a rate that is commensurate with the rate of deposition at the cathode. The inner container has a porous wall that is permeable by an ion containing one or more aluminum atoms which can be electrolytically transported through the wall to the

cathode. An outlet is provided so that residues or alloying constituents remaining after aluminum has been separated therefrom can be removed. The side of the inner container serves as the anode of the cell.

The prior art of Das et al anticipates the applicants instant invention as set forth above with respect to the instant claims as presented. With respect to claims 24-27, the Das et al patent teaches a cell for electrowinning that has an anode, cathode, and collector for removing species from the electrolyte.

Allowable Subject Matter

6. Claims 4, 10, 11, 15, 18-23 are allowable over the prior art of record.
7. Claims 4, 10, 11, 15, 18-23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
8. The following is a statement of reasons for the indication of allowable subject matter: The prior art of record fails to teach and/or suggest the specifics with respect to the positioning of the conductive collector surface, electrical connections thereof, the materials used for the collector, anode and specifics of the type and shape of the collector being used or the method of electrowinning using the collector.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bruce F. Bell whose telephone number is 571-272-1296. The examiner can normally be reached on Monday-Friday 6:30 AM - 3:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Ryan can be reached on 571 272-1292. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BFB
June 18, 2008

/Bruce F. Bell/
Primary Examiner, Art Unit 1795